
BZA-1897
PERFORMANCE SERVICES, INC.
Special Exception

STAFF REPORT
January 16, 2014

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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent of owner, is requesting a special exception for a self-supported meteorological tower up to 100 meters (328.084 feet) tall, operating 24 hours per day, 7 days per week for the duration of the potential wind farm- 20 to 25 years. Initially the tower will be 80 meters tall but may be extended in the future for additional data collection. The tower will be located in a 400' x 400' easement area located a little over a mile south of the Tippecanoe/White County line at 9141 N 450 W in Wabash 4 (SE) 24-5.

AREA ZONING PATTERNS:

The property is zoned A, as is all surrounding land. Further to the west, in Shelby Township, land becomes zoned AA, Select Agricultural.

In 2010, petitioner received a special exception for a 196' tall guyed meteorological tower on this same easement (BZA-1814). This tower will be taken down and replaced with this new, taller tower.

AREA LAND USE PATTERNS:

The proposed tower will be sited in the southeastern portion of the landowner's 140 acres. All surrounding property is used agriculturally, with several large lot residences within one mile of the proposed tower, with the closest residence being approximately 1000' to the west along CR 450 West.

TRAFFIC AND TRANSPORTATION:

This portion of CR 450 West is not heavily traveled; only 48 vehicles passed the site daily in 2009. This unmanned tower, which will be accessed by an existing easement, will not create additional traffic other than an infrequent maintenance visit.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

No septic or well are necessary for the proposed use. The ordinance requires 6' tall security fencing around the base of the tower. While the site plan does not show this fencing, petitioner has told staff we will receive a revised site plan before the meeting showing this requirement.

STAFF COMMENTS:

In 2010, petitioner received a special exception for a temporary 196' tall meteorological tower. According to the petition, this tower will be removed and a new, taller tower would be installed for the duration of the life of the wind farm (20 to 25 years). This new tower will initially be erected to be 80 meters (263.072') tall, but the height could be increased in the future up to 100 meters (328.084') for more accurate data collection. Petitioner has received the necessary FAA approval for this structure; because it is over 200' tall it will be lit per FAA safety regulations.

At its meeting on January 2, 2014, the Executive Committee of the Area Plan Commission voted

that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **DOES** authorize the special exception for a meteorological tower in the Agricultural zoning district.

And it is staff's opinion that:

2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met. Provided that a new site plan is submitted showing the required fencing, all standards including setbacks and lighting will be met.
3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance. This tower will replace an existing tower that has been in place for nearly 3 years and will not create any incompatibility with the surrounding uses in this sparsely populated agricultural area of the county.
4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:
 - a. Traffic generation: According to the petition, once the tower is built there will be no vehicles traveling to the tower other than infrequent maintenance visits;
 - b. Placement of outdoor lighting: There are no associated shelters or buildings for this use and only the tower will be lit in accordance with FAA requirements;
 - c. Noise production: No noise will be produced by this tower;
 - d. Hours of operation: 24 hours per day, 7 days per week are standard for this type of use. The tower will exist for the duration of the potential wind farm, which is 20 to 25 years.

STAFF RECOMMENDATION:

Approval, with the following conditions and commitment:

Condition #1: A new site plan must be submitted showing the required 6' security fencing.

Condition #2: The existing tower must be removed with an Improvement Location Permit before the new tower can be erected.

Commitment #1: If the proposed wind farm is not under construction within 5 years of this approval, the tower and all associated physical material shall be removed to a depth no less than 4' below ground level and the site shall be restored as near as possible to the condition of the site immediately before construction of such improvement.

Note: A special exception approval ceases to be valid if the use is not established within one year of the date that the special exception was granted.